

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY GENE HEGGEM,

Plaintiff,

v.

MONROE CORRECTIONAL
COMPLEX, DR. LOREN, DR. JOSEPH
LOPIN, and L. MANIGO-HEDT,

Defendants.

No. C11-5985 RBL/KLS

**ORDER DENYING MOTION FOR
RECONSIDERATION**

Before the Court is Plaintiffs' Motion for Reconsideration. ECF No. 83. Plaintiff seeks reconsideration of the Court's Order dated June 25, 2012. ECF No. 67. In that Order, the Court denied Plaintiff's Motions to Compel Discovery (ECF Nos. 56, 60, and 61). Plaintiff argues that his motions should not have been denied because Defendants' counsel refuses to discuss any discovery issues with him because of a pending motion to stay discovery that was filed in conjunction with a motion to dismiss that was filed on March 16, 2012. He encloses a letter from counsel dated May 17, 2012, in which counsel returned Plaintiff's requests for interrogatories directed to one of the defendants. ECF No. 83.

The Court converted Defendants' motion to dismiss into a motion for summary judgment because Defendants relied on evidence outside the pleadings. ECF No. 53. It did not rule on the motion to stay discovery. *Id.* Therefore, discovery in this case has never been stayed and any reliance on a pending motion to refuse to engage in discovery is misplaced.

However, this Court denied Plaintiff's motions to compel because he failed to include a certification that he conferred with defense counsel prior to filing his motions in accordance with

ORDER - 1

1 Fed. R. Civ. P. 37(a)(2)B). Under Local Rule CR7(h), motions for reconsideration are
2 disfavored and will be denied absent a showing of manifest error or a showing of new facts or
3 legal authority which could not have been presented earlier with reasonable diligence. The
4 standard has not been met in this case. Accordingly, his motion for reconsideration will be
5 denied.

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7 However, under separate Order, the Court has denied Defendants' motion to stay
8 discovery and will reschedule the motion for summary judgment to allow a sufficient period of
9 time for the parties to engage in the discovery process.

10 Accordingly, it is **ORDERED**:

- 11 (1) Plaintiff's motion for reconsideration (ECF No. 83) is **DENIED**.
12 (2) The Clerk shall send copies of this Order to Plaintiff and counsel for Defendant.
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14 **DATED** this 1st day of August, 2012.

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17 Karen L. Strombom
18 United States Magistrate Judge
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